



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

COPY MAILED

FEB 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Victor V. Gogolak	:	
Application No.: 09/681586	:	DECISION ON
Filing or 371(c) Date: 05/02/2001	:	PETITION
Attorney Docket Number: QED0003	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed December 28, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed May 29, 2001. The Notice set a non-extendable two (2) month period for reply. No reply having been received, the application became abandoned on July 30, 2001. A Notice of Abandonment was mailed November 7, 2003.

Petition under 37 CFR 1.181


Applicant filed a petition on October 3, 2007, asserting that a timely reply to the Notice was filed on June 15, 2001. In support of this assertion, Applicant provided a copy of the response, which included a Certificate of Mailing dated June 15, 2001, and executed by David LeCroy. Applicant also included a copy of a return-receipt postcard acknowledging receipt by this Office of the reply on June 18, 2001.

The petition was dismissed as untimely in a Decision mailed November 29, 2007.

Applicant files the present petition and oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of the basic filing fee (filed April 10, 2007), and an oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions